IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 128 of 2006

UDAI SINGH
V/S
RAM LAL

Mr. PANKAJ BOHRA for Mr. RAVI BHANSALI, for the appellant

Date of Order : 11.7.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant at length.

The learned trial Court has found that there is oath against oath about the title and possession of the property, and found that the defendant claims through Jalam Singh and it is not shown, as to how the property belongs to Jalam Singh. On the other hand, learned Lower Appellate Court after appreciating the same evidence has found that the learned trial Court has not considered the material aspects of the record, so much so, that the document of sale by Jalam Singh in favour of Mangilal, from whom the property came to the defendant on partition vide Ex.A-2, bears the attestation by the plaintiff's father, and has also found that the plaintiff has also not been able to establish, as to how the property is ancestral.

All said and done, the findings recorded by the learned Lower Appellate Court are pure findings of fact, and are not successfully shown to be vitiated on any of the

grounds available under Section 100 CPC.

The appeal thus, does not involve any substantial question of law. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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